

REMARKS

Applicant has carefully reviewed the Official Action dated October 1, 2007 for the above identified patent application.

At page 2 of the Official Action, the Examiner has objected to the drawings on the grounds that they do not illustrate all features of the invention specified in the claims. More specifically, the Examiner states that the features of the invention in which the bumper beam is vertically off-set relative to the crash boxes, that the crash boxes have greater vertical extension than the bumper beam, and that the portions of the crash boxes not covered by the bumper beam extend horizontally through a position within 10 millimeters from the front end of the bumper beam, are not illustrated in the drawings. Applicant respectfully disagrees with the Examiner's conclusion, and submits that these features recited in the claims are illustrated in the original drawings.

Enclosed are copies of Figures 2 and 4 of the original drawings, which have been marked as Exhibits to show the features of the invention recited in Claim 1. More specifically, Figure 2 shows that the center line of the bumper beam 11 is vertically off-set from the center lines of the crash boxes 12 and 13, while Figure 4 has been marked to show that the center line of the bumper beam 11 is vertically off-set from the center line of the crash box 13.

Figure 2 also illustrates that the height (i.e., vertical extension) of the crash boxes 12 and 13 is greater than the height (i.e., vertical extension) of the bumper beam 11.

Figure 2 further illustrates that the upper portions of the crash boxes 12 and 13 extend above the top of the bumper beam 11, and therefore the upper portions of the crash boxes 12 and 13 are not covered by the bumper beam 11.

Figure 4 illustrates that the top portion of the crash box 13, which extends above the top of the bumper beam 11 towards the front end of the bumper beam and therefore is not covered by the bumper beam 11, has a front end which is on the same plane as the front end of the bumper beam 11 (and thus is within 10 millimeters of the front end of the bumper beam). As discussed at page 2, last paragraph, last sentence of the specification, the forward end of the crash box extends substantially to the front end of the bumper beam (as illustrated in Figure 4), and can also extend 10 millimeters behind the front end of the bumper beam or up to 10 millimeters to the front of the front end of the bumper beam. As is clear from Figure 4 of the drawing, the front end of the forward portion of the crash box 13 extends towards the front end of the bumper beam 11 in a substantially horizontal direction.

Applicant respectfully submits that the original drawings illustrate all features of the invention recited in independent

Claim 1, and respectfully requests that the objection to the drawing be reconsidered and withdrawn.

At page 3, paragraph 2 of the Official Action, Claims 1 - 2 have been rejected under 35 U.S.C. Section 112, second paragraph as being indefinite. In response to these formal grounds of rejection, Applicant has amended the form of Claims 1 and 2 to more clearly define the nature of the invention. Applicant respectfully submits that Claims 1 and 2, as amended herein, overcome the formal grounds of rejection raised in the Official Action.

Claim 1 has also been revised to delete the recitation that the portions of the crash boxes not covered by the bumper beam extend "horizontally" towards the front end of the bumper beam, so that Claim 1 now recites only that the portions of the crash boxes not covered by the bumper beam extend towards the front end of the bumper beam. This feature of the invention is supported by the original specification, at page 2, last paragraph.

New Claim 3 now expressly recites that the portions of the crash boxes not covered by the bumper beam extend towards the front of the bumper beam in a substantially horizontal direction. This claimed feature of the invention is supported by the original specification at page 1, 3rd paragraph, lines 3 - 5, and by original drawing Figure 4.

At page 3, paragraph 3 of the Official Action, the Examiner states that the features recited in independent Claim 1 are not supported by the original application. Applicant respectfully disagrees with this conclusion. As discussed above, each of the features recited in independent Claim 1 are illustrated by the original drawings. The specification also discloses the features illustrated by the original drawings, and expressly supports all limitations in independent Claim 1. More specifically, page 2, lines 2 - 3 of the specification, expressly recites that the bumper beam is fastened to be vertically off-set to the crash boxes, and that the crash boxes are vertically higher than the bumper beam. Page 2, lines 3 - 5 of the specification expressly discloses that the crash box has an upper part above the bumper beam that extends in a direction towards the front end of the bumper beam. Page 2, last paragraph, lines 4-12 of the specification expressly recites that the crash boxes have a higher cross section height than the bumper beam; that portions of the crash boxes are not covered by the bumper beam; that the portions of the crash boxes not covered by the bumper beam extend towards the front end of the bumper beam; and that the portions of the crash boxes above the bumper beam and not covered by the bumper beam which extend towards the front of the bumper beam, extend substantially to the front end of the bumper beam, within 10 millimeters behind the front end of the bumper beam, or within 10 millimeters to the front of the front end of the bumper beam.

Applicant respectfully submits that all features of the invention recited in independent Claim 1 are expressly disclosed in the original specification, and, as discussed above, are illustrated in the original drawings.

Applicant respectfully submits that the form of the claims, as amended herein, complies with 35 U.S.C. Section 112, second paragraph, in all respects, and that the invention defined by independent Claim 1 will clearly be understood by persons skilled in the art based upon the specific recitations in the claim, the original specification, and the original drawings, in a manner enabling persons skilled in the art to understand, make and use the claimed invention.

Applicant respectfully requests that the formal grounds of rejection raised against the claims, and the objections to the drawings and the specification, be reconsidered and withdrawn.

At page 4, paragraph 4 of the Official Action, Claims 1 and 2 have been rejected under 35 U.S.C. Section 102(b) as being anticipated by the Muller et al patent (U.S. Patent No. 6,929,297). For the reasons to be discussed below, Applicant respectfully submits that Muller et al does not constitute statutory prior art to the present patent application, and therefore requests that the prior art grounds of rejection raised in the Official Action be withdrawn.

The present patent application has an effective United States filing date of March 18, 2005 corresponding to the filing date of the corresponding PCT Appl. No. PCT/SE2005/000397. The effective filing date of March 18, 2005 precedes the August 16, 2005 issue date of the Muller et al patent. Moreover, the effective filing date of March 18, 2005 is less than one year after the October 21, 2004 publication date of the Muller et al patent application. Accordingly, neither the Muller et al patent or the published Muller et al patent application constitutes prior art to the present patent application under 35 U.S.C. Section 102(b)/103(a).

The present patent application is entitled to a priority date of March 23, 2004 based upon the filing date of the corresponding Swedish Patent Appl. No. 0400728-2, from which priority has been claimed under 35 U.S.C. Section 119. This priority date, which constitutes a constructive date of invention, precedes both the October 21, 2004 publication date of the Muller et al patent application, and precedes the March 25, 2004 United States filing date of the Muller et al patent application. Accordingly, the Muller et al patent is not statutory prior art to the present patent application under 35 U.S.C. Section 102(e)/103(a).

Applicant respectfully submits that the Muller et al patent and the Muller et al published patent application do not constitute statutory prior art to the present patent application,

and therefore the Muller et al patent has been improperly applied to reject Claims 1 and 2. Applicant respectfully requests that the prior art rejection of Claims 1 and 2 raised in the Official Action be withdrawn because the applied prior art reference does not constitute statutory prior art to the present patent application.

* * *

For the reasons discussed herein, Applicant respectfully submits that all pending Claims 1 - 3 are in proper form for allowance, and favorable action is respectfully requested.

Respectfully submitted,



Mark P. Stone
Reg. No. 27,954
Attorney for Applicant
25 Third Street, 4th Floor
Stamford, CT 06905
(203) 329-3355